

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

<b>IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL No. 2327</b>
<b>THIS DOCUMENT ALSO RELATES TO:</b>  <i>Danielle Bowers v. Ethicon, Inc., et al.</i> <b>Case No.: 2:13-cv-3572</b>	<b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**JOINT MOTION TO ALTER AND AMEND DISMISSAL ORDER**  
**[MDL NO. 2327, ECF NO. 6231; CASE NO. 2:13-CV-3572, ECF NO. 18]**

Pursuant to the provisions of Rule 60(b)(1) of the Federal Rules of Civil Procedure, Plaintiff and Defendants jointly move this Court for an Order altering and amending the “Order to Dismiss Defendants Without Prejudice (Pursuant to PTO No. 293 as Amended by PTO No. 298-Non-Revision Gynecare Products)” (hereinafter “Dismissal Order”) entered on July 19, 2018, in both MDL No. 2327 as ECF No. 6231 and in Civil Action No. 2:13-cv-3572 (hereinafter “the Bowers Case”) as ECF No. 18 because the Bowers Case was, through mistake and inadvertence, included in Exhibit A to the Dismissal Order. In support of this Joint Motion, the parties state as follows:

1. On July 10, 2018, Plaintiff timely filed her Election Form Pursuant to Pretrial Order No. 293 in the Bowers Case [ECF No. 17] in which she clearly elected to . . .”[c]ontinue with her presently pending case without any waiver and pursuant to the obligations set forth in Pretrial Order No. 293 as amended by Pretrial Order No. 298.” Election Form, Civil Action No. 2:13-cv-3572, ECF No. 17.

2. Through mistake and inadvertence, Plaintiff’s Election Form was misread and the Bowers Case was incorrectly included in Exhibit A to the Dismissal Order and presented to the

Court for approval and entry. As a result, the Dismissal Order was entered in both MDL 2327 and the Bowers Case. Dismissal Order, MDL 2327, Page ID #174907; Dismissal Order, Bowers Case, Page ID #1129.

3. Upon the entry of the Dismissal Order, the Bowers Case was terminated and marked “closed” on the docket. However, a judgment order has yet to be entered.

4. The Dismissal Order harms Plaintiff’s substantial rights because, through no fault of her own, Plaintiff is deprived of her duly selected option to continue prosecuting her claims pursuant to the relevant provisions of Pretrial Order No. 293 as amended by Pretrial Order No. 298.

5. This Motion is timely because the parties are seeking the requested relief within one (1) week of the entry of the Dismissal Order.

WHEREFORE, the parties move the Court (a) to alter and amend the Dismissal Order by simply striking through the reference to the Bowers Case on Exhibit A to the Dismissal Order; and (b) to reinstate the Bowers Case on the docket to permit Plaintiff to continue prosecuting her claims.

Dated: July 23, 2018

**DANIELLE BOWERS, PLAINTIFF**

**COUNSEL FOR DEFENDANTS ETHICON,  
INC. AND JOHNSON & JOHNSON**

/s/Jennifer A. Lenze

Jennifer A. Lenze  
Lenze Lawyers, PLC  
1300 Highland Ave., Suite 207  
Manhattan Beach, CA 90266  
Tel: 310.322.8800  
Fax: 310.322.8811  
Email: [jlenze@lenzelawyers.com](mailto:jlenze@lenzelawyers.com)

/s/Susan M. Robinson

Susan M. Robinson (WVSB #5169)  
Thomas Combs & Spann PLLC  
300 Summers Street, Suite 1380  
Charleston, WV 25301  
Tel: 304.414.1800  
Fax: 304.414.1821  
Email: [srobinson@tcspllc.com](mailto:srobinson@tcspllc.com)

- AND -

/s/William Gage

William Gage

Butler Snow LLP

1020 Highland Colony Park, Suite 1400 (39157)

P.O. Box 6010

Ridgeland, MS 39158-6010

(601) 948-5711

[william.gage@butlersnow.com](mailto:william.gage@butlersnow.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

<b>IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 2:12-MD-02327 MDL No. 2327</b>
<b>THIS DOCUMENT RELATES TO:</b>  <i>Danielle Bowers v. Ethicon, Inc., et al.</i> <b>Case No.: 2:13-cv-3572</b>	<b>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</b>

**CERTIFICATE OF SERVICE**

I, hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/Susan M. Robinson

Susan M. Robinson (W.Va. Bar #5169)  
Thomas Combs & Spann PLLC  
300 Summers Street, Suite 1380 (25301)  
P.O. Box 3824  
Charleston, WV 25338  
(304) 414-1800  
srobinson@tcspllc.com